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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/243,108 02/02/99 SCHWABE

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TM02/0606

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EXAMINER

CHAVIS, J

ART UNIT

PAPER NUMBER

2122

DATE MAILED:

06/06/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/243,108

Applicant(s)

Schwabe et al.

Examiner

John Chavis

Art Unit

2122



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 2/2/99, 6/1/99, 9/7/99 and 10/16/00

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1 and 2 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1 and 2 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4-6

20) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by McIntyre (6,178,546 B1). The applicant teaches a method of downloading data to a resource constrained device, while maintaining links to information required to utilize the data.

Claims

1. A method for downloading code to a resource constrained computer, the code being separable into at least one package having at least one referenceable item, comprising:

McIntyre

McIntyre provides a system for downloading code, see fig. 1. All computers are considered to be resource constrained in some manner; since, there is no such thing as Unlimited storage. McIntyre's system also Provides for packaging data, see the summary of the invention. In reference to the

Referenceable item, see the headers, which
Are used to identify the data to respective
Targets, col. 2 lines 20-65.

forming the package;

See the make process in col. 1 lines 45-55.

forming a mapping of the referenceable
item to a corresponding token; and

see the description files, col. 2 lines 20-31.

providing the package and the mapping.

This feature is taught via col. 3 line 7-col. 4
line 65.

In reference to claim 2, see the rejection of claim 1, supra.

4. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kyle (6,141,681).

Claims

1. A method for downloading code to a
resource constrained computer, the code
being separable into at least one package
having at least one referenceable item,
comprising:

forming the package;

forming a mapping of the referenceable
item to a corresponding token; and

providing the package and the mapping.

Kyle

Kyle provides a system for downloading
code with instructions, see fig. 2. All
computers are considered constrained in
some manner; since, there is no such thing
As Unlimited storage or resources. Kyle
also Provides for packaging data, see the
summary of the invention. In reference to the
Referenceable item, see the instructions,
which Are used to identify how the data is
To be used by respective targets, see fig. 8
And col. 1 line 60-col. 2 line 53.

See the col. 3 lines 27-55.

see col. 3 lines 55-65.

This feature is taught via col. 4 line 33
line 65.

In reference to claim 2, see the rejection of claim 1, supra.

5. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Houha et al.

(5,734,822).

Claims

1. A method for downloading code to a resource constrained computer, the code being separable into at least one package having at least one referenceable item, comprising:

forming the package;

forming a mapping of the referenceable item to a corresponding token; and

providing the package and the mapping.

Houha

Houha provides a system for downloading code with linking provided at the destination computers via an inherent referenceable item. This inherently occurs in a constrained area As Unlimited storage or resources are non Existent. Houha provides for packaging data And providing a means for linking appropriate data, see the summary of the invention. In reference to the Referenceable item, see the headers, which Are used to identify how the data is To be used by respective targets, see The abstract of the invention.

See the fig. 2.

see col. Fig 3 for the mapping feature.

This feature is taught via col. 2 line 32
- col. 3 line 12.

In reference to claim 2, see the rejection of claim 1, supra.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on Monday-Friday from 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell (**New Art Unit 2122**), can be reached on (703) 305-9703. The fax phone number for this Group is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Paper #9



JQC
May 30, 2001



MARK R. POWELL
SUPERVISORY PATENT EXAMINER
GROUP 2700